

VERDICTS & SETTLEMENTS

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Keep it Simple

Arnold Levinson says his laid back, straightforward style is effective

By Banks Albach
Daily Journal Staff Writer

Becoming a neutral had been on Arnold R. Levinson's mind for years before he stepped into the role as a volunteer mediator with the San Francisco County Superior Court in 2013. And after nearly four decades as a trial attorney, advocating for plaintiffs in insurance bad faith claims and personal injury cases, the time was right for a change.

"I was happy practicing law, but I'd been a trial lawyer in this town for 38 years and I thought it was time for me to give back a little," Levinson said. "I thought it was an obligation I have. So I started doing some settlement conferences and I thought, 'I really like this.'"

After spending nearly nine months doing mediation, Levinson decided on a career switch. In early 2014, he left his plaintiffs practice, Pillsbury & Levinson LLP — a firm that he started with friend and colleague Phillip L. Pillsbury Jr. in 1991 — and went full-time as a settlement conference officer with San Francisco County. Earlier this year, he joined Judicate West's San Francisco office and continues to work with the court. Between the two, Levinson has handled more than 1,000 mediation cases.

Levinson does not employ fancy words to describe his mediation style. "Laid back, yet effective," is how clients describe his demeanor and skill, he said. He is wary of joint sessions unless attorneys are comfortable with the meeting. They can be "effective," but also "very dangerous," by creating or exacerbating the animosity between the parties and the lawyers, he said.

Levinson also comes to sessions well prepared. Attorneys on both sides of litigation agreed and said Levinson displays an impressive level of diligence in researching cases before a session.

"I don't think in my 30 years of practice that I've worked with a mediator that put in so much time ahead of the mediation," said Daniel W. Maguire, a partner specializing in defense with Burke, Williams & Sorenson LLP who has had Levinson as a neutral on two cases. "The groundwork that he did beforehand allowed us to resolve the case in one session."

Defense attorney J. Russel Stedman, a partner with Hinshaw & Culbertson LLP, said he remembers fencing off with Levinson as a plaintiffs' attorney roughly 20 times, which made him slightly apprehensive about tapping Levinson's services as a neutral. He was put at ease after one case, he said.

"He was a very talented and aggressive plaintiffs' attorney," Steidman. "And as a neutral, he is very well-prepared, he asked for information in advance and did a good job of helping reach a settlement."

Just recently, Levinson said he settled one of the more challenging cases he can remember — a tenant-landlord dispute in the volatile and often contentious San Francisco real estate market. A property owner was seeking to convert a building on Market Street to commercial use and ran into collective opposition from a group of tenants. The case involved several lawsuits and insurance claims brought by the tenants, in this case 12 separate plaintiffs, Levinson said.

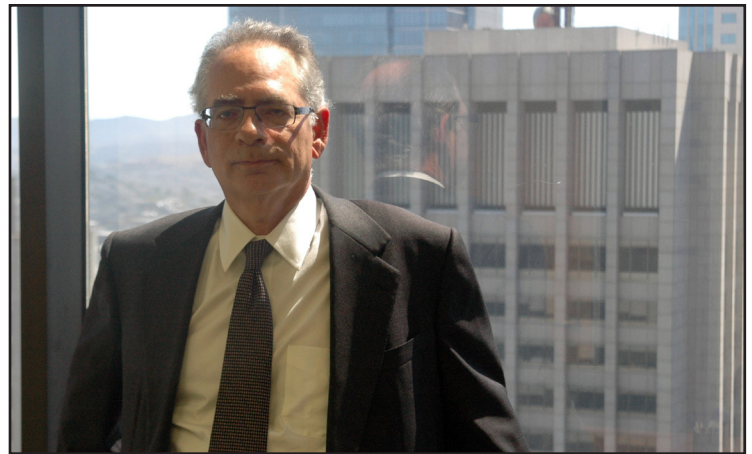
"It was great to get a result in that case," Levinson said.

Richard S. Diestel, a partner with Bledsoe, Diestel, Treppa & Crane LLP and counsel for the landowner, said Levinson participated in the case before, during and after the scheduled mandatory settlement conference.

"The causes of action were different for each individual plaintiff," Diestel said. "It's not unusual for a case of that complexity to overwhelm even the best of neutrals."

Levinson grew up in Seattle and graduated from Georgetown University Law Center in 1975. He moved to San Francisco shortly after and started his career with the defense firm Petit, Evers, & Martin. Four years later, he moved to the plaintiffs' bar and started Gutierrez, Griffinger & Levinson, which later transitioned into Giffinger, Levinson, Freed & Heinemann until he launched the Pillsbury & Levinson firm in 1991. Today, he keeps residence in San Francisco with his wife and two sons, 10 and 12 years old.

After so many adversarial cases against large companies with powerful defense teams, Levinson said transitioning to a neutral presented some initial challenges. The most important was



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hearing out both sides.

"For me the most important thing I've had to learn was to listen," he said. "If clients don't think I'm listening to them, they're not going to listen to me. It was hard because you want to cut to the chase."

His specialty is insurance and personal injury, two cousins in the same legal space, Levinson said. As mediator he's tasked with overseeing a host of different cases, from business and commercial disputes to workplace discrimination to sexual abuse and medical malpractice.

And one case can easily fall out of the zone of legal comfort and familiarity.

Last year, Levinson mediated a case through county court between three families caught in a collective nightmare. Their sons, all high school friends, got together while some of their parents were out of town. One brought marijuana, which later turned out to be artificial. Under the influence, the plaintiffs' son ended up killing himself with a loaded gun in the house.

"This was a real tragedy," Levinson said. "I sat across the table from the parents and had an honest conversation with them about what the issues were, about the risks they wanted to take and we did get it settled."

The family who owned the home and the gun, along with the family of the son who provided the marijuana, both settled for an undisclosed amount with the victim's family.

Levinson said the main driver in his days as a trial attorney was making a difference in the people's lives he represented. And mediation, albeit in tragic circumstances, has rewards of its own, he said. Before he shifted to his job as a neutral, Levinson said he researched mediation thoroughly before taking up the work. But he does not discount the many

Arnold R. LevinsonSan Francisco Superior Court,
Judicate West**Areas of specialty:** Insurance
bad faith claims, personal injury,
wrongful termination, sexual
abuse, medical malpractice

settlement conferences he went through as attorney as valuable experience.

In a way, he said with a sarcastic smile, being a former trial attorney turned neutral has closely introduced him to his past would-be opponents in a new light.

"I'm actually finding that getting along with the defense has been pretty nice," he said, with a chuckle. "I found out that they're real people. They have spouses and children. Hobbies and interests. And you can actually work with them."

More than anything, though, he enjoys working with both plaintiffs and defense attorneys, and reflects upon the years he spent in their positions.

"I love the process," he said. "I'm learning something every day. But it's not just about getting a result. It's about working with the lawyers and working with the people."

Here are some attorneys who have used Levinson's services in the past: Daniel W. Maguire, Burke, Williams, & Sorenson ; J. Russel Steidman, a partner with Hinshaw & Culbertson LLP; Richard S. Diestel, a partner with Bledsoe, Diestel, Treppa & Crane LLP; Devera L. Petak, RPM Law Group P.C.; Michael J. Bidart and Ricardo Echeverria, Shernoff Bidart Echeverria Bentley LLP; Linda Ross, Law Offices of Linda Ross; James M. Goodman, Hassard Bonnington LLP; Eric M. Abramson, Abramson Smith Walssmith LLP; David W. Ammons, San Francisco City Attorney's Office.